

*United States Attorney
Southern District of New York*

June 17, 2021

Via ECF

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Courtroom 518
New York, New York 10007

Re: *United States v. Sayfullo Habibullaevic Saipov*, S1 17 Cr. 722 (VSB)

Dear Judge Broderick:

The Government writes in response to the Court's June 3, 2021 order regarding the defendant's potential request to seek deauthorization of the death penalty in this case. (Dkt. 385). On September 28, 2018, the Government filed its notice of intent to seek the death penalty against the defendant. (Dkt. 80). That notice of intent remains in place and valid, and the Government continues to prepare for trial and maintains its request that the Court schedule a trial in this matter as soon as possible.

The Department of Justice's policies and procedures regarding whether to seek the death penalty are outlined in Chapter 9-10.000 of the Justice Manual. The process for a defendant to request withdrawal of the notice of intent to seek the death penalty is outlined in Chapter 9-10.160 of the Justice Manual and has been in place since at least April 2018 in its current form. As such, the Government respectfully submits that the Court should schedule a trial date in this matter irrespective of any defense plans to file a request pursuant to Chapter 9-10.160.

The Government will promptly notify the Court if there are any policy changes that impact the death penalty process in this case.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

By: /s/
Amanda Houle / Jason A. Richman
Assistant United States Attorneys
(212) 637-2194/2589

cc: Defense counsel (via ECF)